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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,039

10/22/2003

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10/17/2006

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EXAMINER

PHAM, MICHAEL

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,039

Applicant(s)

WOOKEY, MICHAEL J.

Examiner

Michael D. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1 - 12 have been examined.
2. Claims 1 - 12 are pending.
3. Claims 1 - 12 are rejected as detailed below.

Priority

The application claims benefit to 60/469767 with filing date of 5/12/2003. Accordingly the application has been examined with an effective filing date of 5/12/2003.

Drawings

1. Prior objection to element 612 withdrawn.
2. Prior objection to element 710 withdrawn.

Specification

1. Prior objection on [0123] for the first appearance of 622 was to have meant to be 620 is withdrawn.
2. Prior objection for [0122] where, it appeared what is meant is that step 616 is the validation step according to figure 6 and step 618 is the registering step; however that [0122], it appeared to suggest that 614 and 616 validate and register respectively is withdrawn.

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3. Prior objection on [0131] for it suggesting that 720 is a validating step; however from figure 7 it appeared 716 is the validating step is withdrawn.

Claim Rejections - 35 USC § 101

1. Prior rejection under 35 U.S.C. 101 for claims 6-10 is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6021443 by Bracho et. al. (hereafter Bracho).

Claim 1:

A method in a data processing system having a program the method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [col. 2 lines 64-67 to col. 3 lines 1-5, event type (datatype). Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher and subscriber (reference).], **the data being maintained in a storage separately from the datatype and including information relating to a customer of a computer system**

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services organization [Col. 5 lines 26-34. Events and information relating to a customer must be stored if a publisher is off-line, a subscriber is still able to retrieve events and if a publisher can publish an event if a subscriber is off-line.]; **and**

publishing the datatype without the data, a subscriber receiving the datatype responsive to subscribing to the datatype [Abstract, publishing the subscription to appropriate subscriber. (i.e. does not publish data without a subscription.)].

Claim 2:

The method of claim 1, further comprising the step of: registering the datatype in a registry of known datatypes [Col. 8 line 40, subscribers subscribe to events of particular event types].

Claim 3:

The method of claim 1, further comprising the step of: saving the data and the metadata prior to publishing the datatype [Col. 5 lines 27-34, publisher is able to publish events if a subscriber is offline (i.e. saves metadata for correct subscription). Subscriber is still able to retrieve events if publisher is offline (i.e. saves data for retrieval)].

Claim 4:

The method of claim 1, further comprising the step of: receiving a request to publish the datatype [Col. 2 lines 22-26].

Claim 5:

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The method of claim 1, wherein the reference is a pointer [figure 6b, subscription reference is a pointer to a subscription.].

Claim 6:

A computer-readable medium containing instructions that cause a program in a data processing medium to perform a method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [col. 2 lines 64-67 to col. 3 lines 1-5, event type (datatype). Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher and subscriber (reference).], the data being maintained in a storage separately from the datatype and including information relating to a customer of a computer system services organization [Col. 5 lines 26-34. Events and information relating to a customer must be stored if a publisher is off-line, a subscriber is still able to retrieve events and if a publisher can publish an event if a subscriber is off-line.]; and

publishing the datatype without the data, a subscriber receiving the datatype responsive to subscribing to the datatype [Abstract, publishing the subscription to appropriate subscriber. (i.e. does not publish data without a subscription.)].

Claim 7:

The computer-readable medium of claim 6, further comprising the step of: registering the datatype in a registry of known datatypes [Col. 8 line 40, subscribers subscribe to events of particular event types].

Claim 8:

The computer-readable medium of claim 6, further comprising the step of: saving the data and the metadata prior to publishing the datatype [Col. 5 lines 27-34, publisher is able to publish events if a subscriber is offline (i.e. saves metadata for correct subscription). Subscriber is still able to retrieve events if publisher is offline (i.e. saves data for retrieval)].

Claim 9:

The computer-readable medium of claim 6, further comprising the step of: receiving a request to publish the datatype [Col. 2 lines 22-26].

Claim 10:

The computer-readable medium of claim 6, wherein the reference is a pointer [figure 6b, subscription reference is a pointer to a subscription.].

Claim 11:

A data processing system comprising:

a memory having a program that provides a datatype having a metadata that describes a data and a reference to the data [col. 2 lines 64-67 to col. 3 lines 1-5, event type (datatype). Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher and subscriber (reference).], **the data being maintained in a storage separately from the datatype and including information**

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relating to a customer of a computer system services organization [Col. 5 lines 26-34.

Events and information relating to a customer must be stored if a publisher is off-line, a subscriber is still able to retrieve events and if a publisher can publish an event if a subscriber is off-line.], and

publishes the datatype without the data, a subscriber receiving the datatype responsive to subscribing to the datatype [Abstract, publishing the subscription to appropriate subscriber. (i.e. does not publish data without a subscription.)]; **and a processing unit that runs the program** [Col. 6 lines 1-3].

Claim 12:

A data processing system comprising:

means for providing a datatype having a metadata that describes a data and a reference to the data [col. 2 lines 64-67 to col. 3 lines 1-5, event type (datatype). Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher and subscriber (reference).], **the data being maintained in a storage separately from the datatype and including information relating to a customer of a computer system services organization** [Col. 5 lines 26-34. Events and information relating to a customer must be stored if a publisher is off-line, a subscriber is still able to retrieve events and if a publisher can publish an event if a subscriber is off-line.]; and

means for publishing the datatype without the data, a subscriber receiving the datatype responsive to subscribing to the datatype [Abstract, publishing the subscription to appropriate subscriber. (i.e. does not publish data without a subscription.)].

Response to Arguments

Applicant's arguments filed 8/7/06 have been fully considered but they are not persuasive.

Applicant's sole assertion is that Bracho fails to disclose a datatype that has metadata. That in fact the term metadata is not even mentioned in Bracho. Further stating that because metadata is not taught in Bracho that Bracho could not disclose publishing a datatype that has a metadata that describes a data and a reference to the data. That instead Bracho discloses publishing events that include data, instead of metadata that includes a reference to the data.

In response, the examiner respectfully disagrees with applicant's assertions. First, just because a reference does not directly utilize the same exact words (e.g. metadata) as applicant's claim language; it does not necessarily mean that the reference does not provide the recited functionality. Applicant's are reminded of the definition of metadata¹, which is data about data. This in itself is a very broad term. As to the reference, Bracho discloses a method for routing an event in a data processing system, col. 2 lines 55-56, that the publisher publishes events of certain types on the network, col. 5 line 14. In routing the events, Bracho discloses a data structure (metadata) based on information about physical hub connections, event types, advertisements, routes, and subscriptions of the system, col. 3 lines 1-5. Further disclosing that the data structure indicates which neighbor hub is on a least cost path between the publisher's and subscribers col. 2 lines 65-67. Hence, Bracho discloses an event type having a data structure that describes a data that provides a least cost path between publishers and subscribers.

¹ Microsoft Computer Dictionary Fifth Edition.

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Therefore, Bracho suggests providing a datatype having a metadata that describes a data and a reference to the data. Therefore, Applicant's arguments over the cited prior art are unpersuasive over the rejected claims.

Lastly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., metadata includes a reference) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The limitation "providing a datatype having a metadata that describes a data and a reference to the data" could be read as a datatype having a metadata and a reference, instead of Applicant's intended use of a metadata includes a reference.

Conclusion

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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